

The Courier-Journal.

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PRICE THREE CENTS, ON TRAINS FIVE CENTS

The Weather.

Forecast for Tuesday and Wednesday: Indiana—Fair and warmer Tuesday; increasing cloudiness and warmer Wednesday.

Indiana—Fair and warmer Tuesday; increasing cloudiness and warmer Wednesday; moderate west to southwest winds.

Tennessee—Fair and warmer Tuesday; increasing cloudiness and warmer Wednesday.

THE LATEST.

The Supreme Court handed down yesterday its long-expected decision in the cases involving the commodities clause of the Hepburn Interstate commerce act, reversing the decision of the lower court, which held the section unconstitutional. The construction for which the Government contended, however, was not sustained, the court deciding that a railroad might transport commodities produced or mined by it, provided the road does not own the commodity at the time of its shipment. It was also held that ownership of stock in the company owning the commodity does not constitute ownership by the railroad. The decision is expected to make but little change in the connection between the railroads and the anthracite mines.

James Shepard Cabanne, Jr., obtained a divorce from Mrs. Minnie Leonard Cabanne Brandenburg, in St. Louis yesterday, and was granted the custody of their son, whom Broughton Brandenburg, of New York, recently took to San Francisco. The divorce case was on the default docket, and no defense was offered. The plaintiff alleged desertion.

The United States Circuit Court of Appeals at San Francisco handed down a decision reversing the opinion of the District Court in the case in which the Atchison, Topeka and Santa Fe Railway Company was found guilty of granting rebates and sentenced to pay fines amounting to \$330,000.

Senator Johnson, of North Dakota, is opposing the effort to erect a statue in Washington to Alexander Hamilton. He has introduced a resolution repealing the resolution providing for such a memorial. In a speech in support of his attitude, he denounced Hamilton as "a contemptible rake."

Representative Hollingsworth, of Ohio, presented in the House his resolution protecting against the placing of the picture of Jefferson Davis on the battleship Mississippi, by the people of her patronizing State.

A democratic primary election in Mercer county to-day has been robbed of most of its interest by the withdrawal of many of the contending candidates. There is no opposition for nearly all of the principal offices.

A tribute to the memory of the late Alexander R. Shepherd, former Governor of the District of Columbia, was paid by citizens of the district at the unveiling of a statue erected in Washington in his honor.

Tariff discussion was continued in the Senate, Mr. Piles, of Washington, speaking in defense of the Dingley rates on lumber, and Mr. Borah, of Idaho, strongly advocating an income tax.

The officials of the War Department have under consideration the adoption of a design for a medal, to be issued to those who served with the army of Cuban pacification.

Victory For Railroads.

The effect of the decision under existing conditions is favorable to the railroads and the Government lost on practically all points of contention and a substantial victory.

Both these companies are authorized by their charters to mine anthracite coal and transport it.

In holding that Congress had not gone beyond its authority in enacting the coal and timber clause, it is believed that if so disposed Congress might enlarge and extend the scope of the provisions.

The decision sustains the provision of the law exempting timber from the operations of the clause of attack by the railroads on the law as discriminatory, but Justice White refused to give it a practical effect.

The second national peace congress was opened formally yesterday in Chicago. A letter was read from President Taft commanding the purposes of the convention.

The thirty-fifth Kentucky Derby was won yesterday by Rome Respass' Wintgreen, with Miami second and Dr. Barkley third. Ten horses started.

The appointments of Oscar S. Straus as Ambassador to Turkey and W. W. Rockhill as Ambassador to Russia were announced yesterday in Washington.

Carlisle D. Gray, who won fame by successfully making the trip through the Niagara rapids five times, died yesterday in Detroit.

Senator Culom, in an interview, said he did not believe Congress would adjourn by June 1, as Senator Aldrich has predicted.

President Van Cleave, of the National Association of Manufacturers, announces that he will not accept a re-election.

Cypriano Castro left Paris yesterday suddenly for Santander, Spain, where he will await the arrival of his wife.

The Turkish Cabinet, which was organized April 23, with Tewfik Pasha as Grand Vizier, has resigned.

A test in the courts of the Tennessee prohibition laws is regarded as a certainty.

REAL VICTORY TO RAILROADS

Commodities Clause Construed by Supreme Court

Constitutionality of Section Is Upheld.

But Government's Construction Is Too Comprehensive.

JUSTICE HARLAN DISSENTS.

manufactured, mined or produced by a railway company or under its authority, and that the term of reference of the railway company has not in good faith before the act of transportation passed with its intent to do so.

"When the railway company owns the commodity to be transported in whole or in part by it, the railway company has an interest, direct or indirect in a legal sense, in the commodity, and the provision does not apply to commodities manufactured, mined, produced, owned, etc., by a corporation because a railway company is a stockholder in a producing company.

"Such ownership of stock in a producing company by a railway company does not give the railway company any legal interest in the commodity manufactured, etc., by the producing corporation.

Section Is Constitutional.

Third—As thus construed, the commodities clause is a regulation of commerce within the power of Congress to enact. The contention elaborately argued for the railroad companies that the clause, as applied, gives them the right to unreasonably discriminate in favor of their own products and to discriminate against other products is not sustained.

Rentsch's reason deserted him some time ago without, however, depriving him of the right to continue to practice sex crimes.

"The clause of the fifth amendment was not intended to prohibit the carrying of coal by railroads, and the clause prohibits the carrying of coal by railroads.

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Timber Exemption Valid.

"Fourth—The exemption as to timber contained in the clause is not repugnant to the clause.

"Fifth—The provision as to penalties is separable from the other provisions of the clause. As no recovery of penalties is prayed for, no action can be taken here presented.

"It will be enough to consider whether the right to recover penalties is given when an attempt to collect penalties fails.

"Sixth—As the construction now given the act differs so widely from the construction given by the lower court, and the purpose of the clause is to regulate the railroads, it is not necessary, in reversing and remanding the case, to sustain the original construction.

"Seventh—As the Delaware and Hudson Company is engaged as a common carrier in the transportation of coal, it is a railroad company within the purview of the commodities clause and is subject to the provisions of that clause as they are now construed.

But One Justice Dissents.

The court's judgment was announced by Justice White, who, while he read from an elaborate printed opinion, declined to give anything more than a summary showing the new result of the case.

He also gave a short summary over the fact that there were no elaborate dissenting opinions, and, indeed, only one user.

Justice Harlan Dissents.

Justice Harlan's dissenting opinion was read by Justice White:

"At those cases are not determined wholly on a construction of the parts of the Hepburn act herein question and as the construction proposed by the court in this construction by additional legislation, I content myself simply with an expression of non-concurrence in some of the views expressed by the majority and the scope and intent of the act.

"Seventh—As the Delaware and Hudson Company is engaged as a common carrier in the transportation of coal, it is a railroad company within the purview of the commodities clause and is subject to the provisions of that clause as they are now construed.

The Court's Construction.

As construed by the court the sole object of the clause is to prevent carriers from being associated with in the transportation of timber and timber products, hence that the law only prohibits the transportation of articles which they have been produced by a railroad company, and which it has participated with them when the company owns or controls, in whole or in part, the timber or timber products.

Because of the court's delay in announcing its conclusion, it was generally supposed that the court would be found to have made a definite ruling on the question of whether the law does not prohibit the railroad ownership of stock in commodities producing companies.

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The next day Brandenburg arrived in town. He had been introduced to him several months before by Mrs. Cabanne, who said she had met him and his wife in New York. I had entertained him in my house several times. He came to see me the day after my wife had left, and later asked me over the telephone to meet him at the Missouri Athletic Club. He said he wanted me to introduce him to some influential men in town whom he thought knew him.

A Broken Appointment.

"I went down to the M. A. C. but missed him. They told me he had left town that he had gone to the Hamilton Hotel. I went out there to see. On the car I saw a story about his wife's suit for divorce, in which Mrs. Cabanne was named as respondent.

"I called him in the Hamilton, I showed him the story and asked him if he was aware. 'Just enough truth to make it dangerous.' I made an appointment to meet him the next day, which he never kept, and I understand he left town that day.

"He did not hear anything more from him. I received a letter from Mrs. Cabanne until last December. She admitted that she had done me a great wrong. She said that she did not ask any sympathy for herself, but that she did ask sympathy for her son."

His Wife's Letter.

"At this point Judge Grimm asked for the names of the persons produced and identified these extracts from it:

"I am absolutely penniless and have been so for two weeks. New York is a cold place. I cannot support my son, and as I cannot allow him to become ill or wasted I will turn him over to the charity of strangers unless you are willing to take him in. I will find him a home and send him to school. You can sympathize for myself, because I admit the great wrong I have done you, but I ask for sympathy for my son."

Mr. Cabanne then continued his testimony.

"I wrote Mrs. Cabanne that I was coming to New York, which I did. I met her and arranged with her to take the boy, and she did ask sympathy for her son."

Two Companies Affected.

"It appears first that the commodity clause is a vital and operative statute with respect to all products, such as coal, which the railroad companies carry, and the contention of the Government that the law applies to the ownership of stock in a producing company, which is carried in a producing company, is erroneous.

The decision establishes the legality of stock held by subsidiary coal companies in which the railroads have a controlling interest, and the railroads' right to the management of the shipmen of their own companies.

The decision makes the following statement concerning the legal status of coal and timber interests:

"The decision of the Supreme Court decides that the prohibition of the Hepburn act does not apply when title to a commodity, though manufactured, miles from the point of origin, is held by a railroad company, and that direct ownership in the coal, and that changes in the ownership method necessitated by the decision, is Mr. Dewart's belief, and that in no way to harm the railroads or the railroads' right in the handling of its coal products.

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man who understood his business and had systematized the work of the School Board. ***

Deadline on Martin.

Mr. Gottschalk nominated W. S. Markhoff, a member of the legislature. Four ballots taken resulted in a deadlock as follows:

Martin, King, Pleasantville—7;
Markoff—Cohen, Gottschalk, Halleck,
Procter, Reitz, Remmett, Shaffer—7.
Mr. Gottschalk was unable to quit and sat until the next meeting.

"Let's hold thirteen ballots," yelled someone.

A motion was made for a five-minute recess.

"You can't get back from Seabach's in time to have a vote," said Dr. Bloom.

By a vote of ten to four, it was agreed to postpone the election of a secretary until the June meeting. Those voting yes were Dr. Bloom, Mr. C. W. Jones, Dr. Gottschalk, Gough, Haack, Klein, Puzzi, Varble. The nays were Procter, Reitz, Remmett, Shaffer.

The chair then announced that Mr. Martin would continue as secretary until his successor was chosen.

Postponed Two Weeks.

After a short recess Mr. Gottschalk moved that the motion to postpone the election of a secretary until June be reconsidered. Mr. Venable kicked so hard up against the adoption of Mr. Gottschalk's motion and the passing of an amendment fixing the date of the election at a meeting to be held two weeks hence, Dr. Bloom said he was tired of so many meetings, as did many others.

Dr. Bloom then presented the use of the chapel of the Female High School on the night of May 21 for a declaratory meeting. The motion was carried.

Dr. Bloom's telegram was received and filed. It shows the following attendance:

Total white schools..... 23,392 1969
Total colored schools..... 6,136 5,644

Total all schools..... 29,526 25,912

Decrease of 212.

In the meantime Director James, the first one he made, was submitted. It showed that plans had been laid for \$47,500 of improvements and repairs recommended by the architect. The plan to be cancelled as there had only been \$100 loss in many years and recommended the purchase of the Delaney place property from the Tenant Land Company for \$15,000.

Mr. Jones then apprised the Central and South Streets Association that the first one he made, was submitted. He said a similar piece of property across the street was held at \$10,000. After some discussion the board voted to accept the plan as it was. Dr. Bloom said it was time to make a change in the method of employing architects to save money. The business committee agent was instructed to look into the matter.

Mr. Wallace McKay was unanimously chosen as attorney for the board in the cases he is prosecuting, his fees to be fixed by the finance committee.

The board agreed to the appointment of T. E. Kendall as custodian of supplies, tools, etc. Business Agent Jones recommended him. ***

Prof. Mark Talks.

Prof. E. H. Mark said after the meeting of the School Board that the \$4,000 offer upon which Dr. Bloom based his defense of the Republican Committee to secure his defeat, that this offer was made to a man in the courthouse and was turned down.

Prof. Mark refused to answer further questions saying he was not in a position to give further information at present.

Full of fight as good humor, Dr. E. H. Mark, who is the most popular lawyer in the city, is proceeding, he says, for the present, but he was willing to go before the grand jury whenever called upon and give that body all the information he has.

Dr. Bloom said he was anxious for the charges to be probed to the bottom and would call the court all the assistance in his power.

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SOUTH-END DEMOCRATIC CLUB HOLDS MEETING.

The Junior South End Democratic Club, of the Fourth and Fifth wards, held a meeting and dinner last evening at the South End clubhouse at Brook and Caldwell streets last night. The young men were addressed on the subject of "What Is Democracy?" by Wm. J. Wallace, Neville Bullitt, Prof. C. W. Hance, T. Funk, Jr., R. E. Schools, and Robert Musgrave. Prof. Wallace spoke at length, and his talk was appreciated by the members of the organization.

Organized only a month ago the Juniors of the South End Democratic Club, of the Fourth and Fifth wards, have more than 300 members, and they expect to do some real political work under the banner of Democracy in the coming campaign.

SEES PROGRESS TOWARD PEACE

United States Has Aided
Cause, Says Taft.

By Assisting Countries Weak
On Law and Order.

Letter From President Read
At Chicago Meeting.

ADDRESS BY PROF. JORDAN.

Chicago, May 3.—"Ja, Der Krieg Verschlingt Immer Die Besten!"—"War the war devours the best."

These words, written by the German poet Schiller a century ago, formed the theme of an address at the opening of the second National Peace Congress today by David Starr Jordan, president of Leland Stanford, Jr., University.

"It is through selection that all race progress comes," said Dr. Jordan. "War means always the reversal of selection."

"The survival of the fittest in the struggle for existence is the primal moving cause of race progress and race changes. In the red stress of human history, this natural process of selection is sometimes reversed. A reversal of selection is degradation. It is degradation itself."

"The only way in which any race as a whole has improved has been through its preservation of its best and the loss of its worst examples. The condition which favors this is democracy—equality before the law, the condition which equalizes opportunity and gives each man the right to stand or fall on the powers God has given him."

Race Degeneration.

"The only race degeneration ever known is that produced by those forces which destroy the best, leaving for the fathers of the future those who could not be used in the business of war or in that of colonization."

The effects of colonization run parallel with the effects of war, but with an enormous difference: the strong men who emigrate are not lost to the world. The loss of one region is the gain of another. But the losses of war can yield no corresponding gain.

"The warlike nation of to-day is the decadent nation of to-morrow. It has lost in strength and in the nature of things it must be even weaker than the Romans; the republic of Rome lasted so long because it had an army, but that army was an O'Connell's army, and was not necessary for the defense of the country."

The opposition of Prof. J. G. Gregson, for the agent of the Santa Fe, which was struck out on a portion of the prosecution, is also a victory for the fathers of the future who could not be used in the business of war or in that of colonization."

The Appellate Court has decided that imports of silk, velvets, etc., by Senator Aldrich was in error when he said this schedule of the bill was not increased; that the ad valorem duties were simply changed to specific. Their experts have examined into the question and found that the ad valorem duty under the Dingley law figured \$346, while the same bill, under the Aldrich measure, the duty would be \$600 or \$700.

And on through the list. The importers insist positively that the expert appraisers will bear out their analysis of the workings of the Aldrich schedules, and show that instead of leaving duties unchanged it raised them from 28 to 50 per cent.

Opposition For Lodge.

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Imports of silk, velvets, etc., by Senator Aldrich was in error when he said this schedule of the bill was not increased; that the ad valorem duties were simply changed to specific. Their experts have examined into the question and found that the ad valorem duty under the Dingley law figured \$346, while the same bill, under the Aldrich measure, the duty would be \$600 or \$700.

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STOP! LOOK! LISTEN!

Electric Cooking

by Mrs. Haerlin, of the General Electric Company, every day this week, 10 to 12 and 2 to 4 o'clock, in the new display and sales-rooms,

311 W. Chestnut Street, LOUISVILLE LIGHTING COMPANY

All are invited to call and try for themselves the foods cooked by electricity. Also to see the many wonderful electric conveniences for the home: Irons, washing and sewing machines, chafing dishes, coffee pots, cook stoves, house cleaners and a thousand and one other articles.

WEDDING PRESENTS AND GIFTS.

TELL ME!

Judge Barker Surprised At Law Departments' System.

WHEREIN EFFORT TO PUT IT ON CHANCERY COURT FAILS.

GO BEFORE ONE JUDGE WHEN WHOLE COURT IS NECESSARY.

CODE NEEDED IN OFFICE.

The legal department of the city of Louisville started out yesterday to put it on his honor, the Judge of Chancery Branch, First Division, Jefferson Circuit Court, the same being Judge Shadcock Miller. Rather it started out before, but yesterday saw the final blow. It looked as if the city's legal high brows as if Messrs. Stoll, Brand and Chambers would draw little profit in it for they were disobeying an order of Judge Miller upon the advice of City Attorney Clayton Blakley. The complication grew out of the fact that the city was leading to the National Ice Cream Works. Judge Miller was accordingly notified by the August legal department that an application had been made to the Court of Appeals of the Court of Appeals for a writ of prohibition to prevent him from entering the courtroom. The court of Appeals for conviction of Judge Chancery Courts taught these judges Judge Miller probably exploded a real guffaw. At all events he did sleep.

Eugene B. Atkinson, attorney for the National Ice Cream Company, heard on Sunday that a trip to Frankfort was in prospect and he had to leave at once to go to Louisville. He notified Mr. Blakley that there wasn't any use in going to Frankfort, that his client had got into trouble in the first place and that was all he had contended for, and that he was going to ask the court to dismiss the entire proceeding.

Mr. Underwood, the lawyer for the department was shocked. He had no idea made up to take the case up to Frankfort to that one Judge and get a hearing. He told Mr. Blakley that the Chancery Branch First Division.

He arranged for the motion to dismiss the case to proceed. He heard and also for a telegram to be sent him in Frankfort notifying him of the result. That afternoon he went to the county seat and got up early yesterday morning to take the train to Frankfort. He found that Mr. Underwood, of the law department, had been unable to get a hearing on the Chancery Branch, First Division.

After hunting about Capitol Square, at last he found Judge Henry Barker in the law library.

Mr. Underwood let Judge Barker know he had caused him to rise so early and take such a long trip.

"Mr. Underwood," remarked Judge Barker, "I want to know how the City Attorney got his hearing. I don't know which judge can issue a writ of prohibition in a case as this. That's the whole Court of Appeals must sit in such a case. I can't anything for you."

Then Judge Hobson, Commissioner Clay and one or two others of the court were present. They were told of the Judge Barker's view of the case. In the meantime, Mr. Atkinson had objected to the action on grounds of insufficient notice. In the meantime, he had received a telegram to the effect that Judge Miller had dismissed the contempt rule, and he was to appear in Frankfort to-morrow.

It was suggested last night that perhaps Mr. Blakley's office lacked a code.

Mr. Blakley's office had called the meeting made yesterday must have gone. Before one Judge of the Court of Appeals is exacting a way to proceed, according to the code.

It can't be said that the law department

put it on the Chancery branch much, at least not so that you can notice it.

PUBLIC SCHOOLS ART EXHIBIT BEGAN YESTERDAY.

Copies of Rare and Famous Paintings On Display At 607 South Fourth Avenue.

Opportunity to study copies of some rare and famous paintings will be given the Louisville public at the Public Art Exhibit which opens at yesterday at 607 South Fourth Avenue, and will continue until May 8, inclusive.

There are more than 200 pictures on the walls, and while some of them are adaptations of the works of the Cumberland Telephone and Telegraph Company at Nashville, and also appropriating \$100 for salaries and expenses.

A resolution was adopted in both boards appropriating \$500 to be used in entertainments of the Council of the United Commercial Travellers, which meets in this city next month.

The ordinance regulating the sale of Public Safety was passed in the lower board as amended by the Board of Aldermen. The amendment provides for 270 patrolmen instead of 260 and 2 sergeants instead of 14.

In the Board of Aldermen the ordinance providing that the paper offered for sale on the market in Louisville be sold by actual weight, was passed.

Both boards adjourned to meet again next Tuesday night.

FLOUR SACKS

Must Bear In Big Letters Number of Pounds They Contain.

The upper board was called to order at 8 o'clock with eleven members present. Alderman Todd was absent. The reading of the minutes was dispensed with and the report of the committee on police was read at once. Mr. Reed asked that the resolution adopted at a former meeting regarding the proposed amendment to the ordinance be taken up again. He asked that the resolution be taken up by the committee on police at once. This was done, and the committee reported unfavorably on an amendment to the original bill, affecting all amusement places, the seating capacity of three hundred or more.

When an adjoining resolution from the lower board was presented, Mr. Reed objected to concurence in May 11 as the date, insisting that the boards were meeting too often. He offered a substitute motion to the effect that May 15 was under the impression that May 15 was the date fixed for the Republican primaries.

"Mr. President, let's not fix it on that date, as it probably will be a busy day in the life of the Republican primaries. We'll be corrected and the original date, May 15, was fixed."

Not a Health Crank.

When a communication and report from the Board of Public Safety, regarding the analysis of the public wells, was offered, Mr. Reed asked that the report be read. Mr. Kirwan, the reporter, to the reading of the report, saying that the amount of time of the board was worth more than all the reports that had been made on the subject.

"I am not a crank about health, bugs and other things," said Mr. Kirwan.

The report was not read, but was referred to the Committee on Gas and Water, over Mr. Reed's protest, and also over the protest of Mr. Horn, who informed the committee that the report was a part of the communication.

A resolution authorizing the City Commissioners to prepare a motion for the establishment of the Grand Council of the United Commercial Travellers, which meets in Louisville in June, was read and referred to the Committee on Police.

The girl's name is Opal Marie White, 16, of Louisville, whose teacher went to Ladora, where he was not known, and said that he had been out of school for some years and wished to take the examination for diploma, so that he could enter a business college.

Dies of Menigitis.

Nicholasville, Ky., May 3.—Special Agent Clarence Cobb, aged 23 years, died to-day at the home of his parents, Mr. and Mrs. D. Cobb, in the Mt. Lebanon neighborhood. His death was due to menigitis, which followed ptomaine poisoning. The poisoning resulted from eating a canned青年 teacher in the county schools. The food was suggested last night that perhaps Mr. Blakey's office lacked a code.

Mr. Blakey's office had called the meeting made yesterday must have gone. Before one Judge of the Court of Appeals is exacting a way to proceed, according to the code.

It can't be said that the law department

GIVES UP PROFESSION FOR LOVE OF A PUPIL.

Crawfordsville, Ind., May 3.—For the Crawfordville, Ind., girl pupils, 18 years old, in the school of Union township, this county, has forfeited his license on the charge of failing to have him in examination for an eighth grade graduation diploma.

The girl's name is Opal Marie White, 16, of Louisville, whose teacher went to Ladora, where he was not known, and said that he had been out of school for some years and wished to take the examination for diploma, so that he could enter a business college.

Flour Ordinance Passed.

The ordinance regulating the sale of flour and providing that all packages must be labeled with the number of pounds, came up and was under discussion when the board reconvened. Considerable discussion was had before it was voted on. The vote was 10 to 9 in favor of the motion of Mr. Reed and Mr. Underwood, and 9 to 10 in favor of the motion of Mr. Horn.

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SEE LOOPHOLE

By Which Booe's Term May Be Shortened.

ATTORNEYS INTEND TO RAISE QUESTION IN COURT.

GOV. SHALLENBERGER, OF NEBRASKA, MAY COME

TO ATTEND TAX CONFERENCE.

Frankfort, Ky., May 3.—[Special]—Frankfort may come to Judge Charles E. Booe, the Circuit Clerk and Auditor's office at the expiration of his five-year sentence which was given him at the January term of the Franklin Circuit Court, and the last sentence of eight years in the penitentiary may go for naught. If the new legal point, which is to be raised in his case, is decided favorably to Judge Booe, who now stands nearly 5000 feet above sea level from the penitentiary in about three hours the time he entered the prison cell.

It is reported here to-day, on good authority, that at the expiration of the term for which Judge Booe was first sentenced, habeas corpus proceedings will be begun in the Franklin Circuit Court seeking the release of Judge Booe on the ground that a Judge cannot be condemned until after the expiration of his term. In other words, it is contended that a convict in the penitentiary, serving a term, cannot be tried and convicted during the period of his confinement in the prison.

At a new point of law, hundreds of men have been tried and convicted like Judge Booe was, and have served their terms, but it is contended by some lawyers here that the new legal point of constitutionality of the act which provides that a Judge may sentence a man to a term in the penitentiary, the same as to life, and that the new sentence shall begin at the expiration of the first. There is a section of the Code which provides that a man may be tried, but it has never been passed on by the Court of Appeals, and there is no precedent for allowing it to be done except the practice of the Commonwealth.

Should this contention be upheld, it would mean that Gabe Jones, who recently was sentenced to the penitentiary, could not be tried for his crime until after the expiration of his fifteen-year sentence. The only way to punish a convict during his term would be to grant him a pardon, and that would try to meet the new charge. It is not believed among the lawyers, that the new point raised will be sustained by the higher courts, but it does indicate the probability that it will be raised in court in a final effort to get Judge Booe released.

New Labor Inspector.

No appointment of a Labor Inspector will be made before to-morrow or the next day, as M. C. Rankin, Commissioner of Agriculture, who is to make the appointment, is out of town, and will not be back until he comes back to Frankfort before announcing the appointment. Numerous applications for the place have come in since T. J. Davis resigned the latter part of last week.

Board of Equalization.

Four counties were passed on finally today by the Board of Equalization, which is now finishing up its work, and soon will be ready to adjourn for this year. Anderson, Johnson, Madison and Obion counties will be given a boost on assessment when the tentative raises were made, but when the tentative raises were made, but when the delegation from Anderson appeared before the tax assessors, they would grant the tax assessors agreed to strike off the rates and accept the assessment as it stood. The new rate of 2 per cent. on lands and personalty and town lots. Estill and Morgan a 5 per cent. on lands and personalty, and Bell a 1 per cent. on lands and personalty.

Shallenberger May Come.

Gov. Shallenberger of Nebraska, to-day wrote to Gov. Wilson that he hopes to attend the conference on tax questions which is to be held in Louisville in September. He said he would be in Louisville if he could possibly get away from the Nebraska capital. He and his wife represent Kentucky. They are C. C. Carrig, of Kearney, W. S. Schreiber, of Omaha, and H. A. Edwards, of Grand Island.

Steamer Hung Up.

On account of the water in the Kentucky River being too high and also not being able to pass through the locks, May is hung up at Lock No. 1, near the mouth of the Kentucky. The steamer was due to Frankfort yesterday but did not get through the lock on account of the water being too high and could not go over the dam. She tied up there and will remain until the water goes down enough to allow of passage through the lock.

Mose Glenn Goss.

Mose R. Glenn, formerly secretary of the Railroad Commission, and recently connected with the Frankfort Printing Co., was wedded with W. A. Flood & Co. of Chicago, and travel for that company in West Virginia, Tennessee and Kentucky.

To Close Lock.

Lock No. 3 on the Kentucky River, at Monterey, is in need of some repairs, and an order has been issued notifying all commercial steamers to wait for a period of twenty-two days, beginning May 1. A new miter sill will be put in the lock, and the work will be completed in less than twenty-two days to meet all possible contingencies the time was set for the twenty-two days, so that all river men could make the arrangements accordingly. The closing of the lock to navigation at this season of the year will be of little value to the public as the coal yards are all well supplied above the lock, and regular summer passenger traffic has not begun.

BIG CORPORATIONS.

Two Kentucky corporations with large capital filed suit in incorporation with the Secretary of State to do business. The Home Building and Saving Association, at Winchester, filed with a capital stock of \$100,000. The following day the stockholders are given as stockholders: D. Goff, W. Bush, Wm. Bloomfield, R. P. Ford, James C. Jackson, John J. Vally, J. M. Hodgkin, J. W. Chamberlain and R. O. Fitch. The purpose of the company is to build and save money for the mutual benefit of the stockholders.

The Bank of Williamsburg filed articles with the Secretary of State, and stock being placed at \$60,000. The bank is located in the Kentucky mountains, in a rich country, and will be used for the development of Whitley county.

Marriage Licenses.

The following marriage licenses were issued in the County Clerk's office yesterday:

Theodore F. A. Schaefer and Rose Bennett, Karcher, and Magdalena Elizabeth Buchholz, Joe Bills and Daisy M. Rose, Pine Burn and Ada Buck.

RIVER AND WEATHER.

LONGITUDE AND LATITUDE OF LOUISVILLE.
Latitude, 38° 45' N.; Longitude, 85° 45' West
From Greenwich.

Reports of maximum temperature and precipitation for the twenty-four hours ended May 3 at 7 p.m.

Saturna, Temp. Pre. Stations, Temp. Pre. Abilene, ... 88 .00 Marquette, ... 32 T. Amarillo, ... 89 .00 Memphis, ... 73 .00

YESTERDAY'S REAL ESTATE TRANSFERS.

Activity in Market Shown By Deeds Recorded in Courthouse.

M. A. Botsford to E. W. Schmidt, 40 feet, twenty-eighth, north of Elizabethtown, ... 3

W. L. Jacobs to E. Cotter, 12½ acre Gagel Subdivision, ... 3

J. H. Mitchell to Fannie Muir, 35 feet, south side Portland avenue, ... 3

A. A. Will to Leo Schwender, 25 feet, west side Garfield, ... 3

West of Twenty-ninth, ... 3

West to A. C. Popham, lot in county, ... 3

C. F. Dougherty to E. D. Eckley, lot northwest corner of Seven-tenth and High, ... 3

G. A. Hoke to T. J. Holke, 90 feet, east side Main, Jeffersontown, ... 3

Gardeners and Farmers' Market Company to B. Bernheim, 44½ feet, north side Jefferson, west of Twenty-ninth, ... 3

Charles Doer to L. C. Behan, 34½ feet, east side Belleview, ... 3

Frank Avenue Land Company to B. R. Gowans, 30 feet, east side Franklin avenue, ... 3

D. Hartfield to Simon Brooks, tract in county, ... 3

Same to H. F. Hartsfield, 12 acres, ... 3

John Nalley to Lucy Jones, 10 acres, ... 3

J. C. Jutte to W. E. Ross, tract in county, ... 3

J. E. Bryce to H. L. Eastman, 2 lots in Meadowbrook, ... 3

P. T. Carpenter to E. C. Lashbrook, 20 acres, ... 3

Alvanta ... 68 .00 Modena ... 36 .00

Cairo ... 65 .00 Nashville ... 36 .00

Cincinnati ... 52 .00 New Orleans ... 74 .00

Charlotte ... 66 .00 New York ... 59 .00

Chicago ... 52 .00 Oklahoma ... 80 .00

Cors Christi ... 66 .00 Omaha ... 59 .00

Dodge City ... 80 .00 Pittsburg ... 82 .00

Erie ... 50 .00 San Antonio ... 82 .00

Fort Smith ... 78 .00 Shreveport ... 80 .00

Indianapolis ... 53 .00 St. Paul ... 46 .00

Jacksonville ... 62 .00 Vickburg ... 74 .00

Kansas City ... 76 .00 Washington ... 97 .00

T. Trace rainfall.

Forecast—Generally fair and warmer Tuesday and Wednesday.

SEMI-DAILY OBSERVATIONS.

(Official) Louisville, May 3, 1909.

Barometer ... 30.93 7 a.m. 7 p.m. 30.95

Temperature ... 49 50°

Relative humidity ... 62

Wind velocity ... 3

State of weather. Cloudy Clear

TEMPERATURE AND PRECIPITATION.

(Official) Louisville, May 3, 1909.

Maximum temperature

Minimum temperature

Normal temperature

Departure for day

Departure for month

Prevailing winds ... 30 W.

Mean barometer ... 30.96

Character of day.

Nominal precipitation

Actual precipitation

Departure for day

Departure for month

Departure since March 1.

RIVER, BUSINESS AND WEATHER.

The river continues to rise at this point, the water last night being 13 feet on the 133 feet 9 inches below the locks. But the level was good. The weather was fair and the sun shone.

ROATS LEAVING THIS DAY.

City of Cincinnati, Capt. Lindenbaum.

Frankfort, 5 p.m.; Helen M. Gould, Capt. McIntyre, for Carrollton at 4 p.m.; Capt. Baird, for Madison at 4 p.m.

Arrivals and Departures YESTERDAY.

Indiana, Capt. Brennan, from and to Evansville, from and to Carrollton, from and to Madison, Capt. Baird, from Madison, Tarascon, Capt. Zell, from and to Evansville.

DAFTWOOD.

Both the Indiana and Illinois and Missouri brought down large excursions from Cincinnati and Madison yesterday to witness the running of the Derby. Both excursionists and spectators were present and the excursionists had ample time to see all the races. Owing to the high water at the dam, Lock No. 1 on the Ohio River was closed yesterday and did not come down yesterday. She will lay up in the Kentucky River until the water rises again to allow her to get over the dam. It is expected that she will leave on her weekend trip Friday. The Peters Lee passed up last night for Cincinnati. She will leave here on her return trip to Madison Saturday morning. Claude Jagoe is her agent. The City of Cincinnati will be the Queen City of the world when she leaves.

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THE POWER OF THIS STORE FOR VARIETY, QUALITY AND LOWEST PRICE IS DEMONSTRATED IN THE BIG SEMI-ANNUAL ECONOMY SALE

Here Are Values That Will Be Talked About

The merchandise for this sale is entirely new and seasonable; much of it is selected from our own well-conditioned stock; more of it represents underprice purchases from importers and manufacturers who overestimated the season's business. Only a few of the many saving possibilities are listed below. There are hundreds of others of equal importance throughout the store. Come Wednesday, May 5.

ECONOMY SALE —OF—

Ladies' Hosiery and Knit Wear.

Ladies' Black Gauze Lisle Hose; double heel and toe; garter top; regular 25¢ and 35¢ values; 15¢

Ladies' Black Cotton Hose; split foot; double heel and toe; garter top; 25¢ value; sale price; 19¢

Ladies' black or tan Gauze Lisle Hose; all-over or ankle lace; some embroidered in colors; high spiced heel; values up to 75¢ in this lot; 35¢ on sale at, pair.....

100 Dozen Pure Silk Hose
Values up to \$2.50

Made of Cambric, with 2 rows of torchon lace insertion; finished with lace edge, beading and ribbon.....

CHILDREN'S DRESSES.

Ages 2 to 6 years; light and dark percales; prettily trimmed with braid; special sizes and colors.....

Ages 8 to 14 years; light and dark percales in the new effects; special for this sale.....

One lot of slightly soiled Dresses; in white, light and dark colors; values up to \$3.75.

Infants' Caps; made of sheer muslin; French effects; sale price, each.....

APRONS.

Made of best Amoskeag Gingham; full and with large pocket; regular 25¢ value; special.....

One lot of Nurse and Maid's Aprons; made of best white lawn; greatest value ever shown for.....

HOUSE DRESSES.

Made of best Madras; in white and black fancy stripe; regular \$1.75 values; for this sale.....

Made of Gingham and Percales; prettily trimmed; for this sale.....

Ladies' White Swiss Ribbed Union Suits; low neck; sleeveless; tight and loose knee; \$1.00 values; sale, per suit.....

75¢

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Courier-Journal.

Published DAILY, SUNDAY AND WEEKLY.

Office, cor. Fourth Ave. and Green St.

A Consolidation of THE LOUISVILLE DAILY JOURNAL Louisville, Ky., Nov. 24, 1830.

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MORNING COURIER Louisville, Ky., June 3, 1844.

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TUESDAY, MAY 4, 1909

Business.

Monday Evening, May 3.—The New York stock market was irregular until the announcement of the commodities clause decision; then because of the fusion regarding the exact import of the decision the market was practically a dead standstill, which, when the decision was understood, it became strong, and closed with some market net gains.

Money on call was steady at 1% to 2 per cent., ruling at 2%. Time loans were very dull at 2½ to 3. Sterling exchange was firm.

The Chicago wheat market, after ruling strong most of the day, closed irregular, the December option closing weak, and the January option a shade higher.

The cotton market opened steady at about unchanged quotations, ruled strong in the early trading, then reacted, and closed about 10 points net lower.

The Chicago cattle market was to 10¢ higher; the hog market steady to a shade lower, and the sheep market to 10¢ higher.

The Editorial page of the current issue of Collier's Weekly is prefaced by the following simple, touching and appropriate tribute in memorial of Peter Fenlon Collier, from his only son, Robert J. Collier, who succeeds him in the ownership of that great publication:

"It was my father's wish to die in his bed, and it has been his. His gallant spirit went forth to meet death with the same smile with which he faced the New Country as a poor Irish boy over forty years ago. He worked his way to success with his strong hands (as a carpenter once in Dayton, Ohio, and an other humble, honorable tasks), and with his unfading courage and with his big heart."

"He was absolutely fearless, yet the gentlest, the most easily moved, of men. He worked hard and he played hard and he loved his fellowmen, not rhetorically, but with a hearty and personal affection."

"This business he built, this paper he founded, are now thrust upon my shoulders. It is in memory of the man I am writing this, that I dedicate this to you. I dedicate them to clean causes such as those for which he would have had me fight. God grant me strength to be worthy of him whom I loved so much."

What is said here by the son of the father is known by those who knew Peter Fenlon Collier to be the literal truth. He was a big-brained, warm-hearted son of the Emerald Isle, every inch a man and an Irishman of the noblest type; steady, straightforward and clear-sighted. He made no mistakes. He grew rich on printer's ink, and he printed nothing unclean. He loved the animal as the human kingdom heartily; a blunt and breezy out o' doors man, with a rare taste and sense for books. We tender to those that loved him the homage of our sincere and respectful sympathy.

The Peace Congress In Chicago.

The value of the National Peace Congress, now in the midst of its deliberations in Chicago, lies not in its immediate results in shaping the policies of nations, but in its influence as a maker of public sentiment. In truth, as a guide of governments it can have little direct effect. That is shown by the fact that despite its labors in the past—strengthened by international peace congresses, the Hague peace movement and orations, and papers and statements in scattered points of the world—the nations continue year by year to increase their expenditures for armies and navies, enlarge their fortifications, adopt more and more powerful guns and build mightier and mightier ships.

At present, therefore, in view of conditions, it would seem as though the peace advocates might be discredited. But they should not and they appear not to be. The champions, constantly active, incessantly preaching upon the costliness of war as well as the immorality of it, are so many dynamos or battering rams, or what-you-will pounds away at armies, navies, war taxes and war, and with all of them agitating and working at once public opinion is apt some fine day to develop a pretty solid opposition to the machinery of war and to war itself. An overwhelming opposition among the people cannot well be regarded as a negligible quantity. Whenever the population of a country is sternly bent on any given national policy it is not easy for a government to ignore it. In England right now we are witnessing the spectacle of a population clamoring for a stronger army and a more formidable navy. The Government will yield to the clamor, too. Whether or not the agitation which developed the present state of mind in England

sprang originally from the Government is not in itself important. The existence of that state of mind itself is the weighty thing. Even an antagonistic Government would find it hard to resist.

A population firmly set upon peace would similarly impress a Government. Not one solitary nation can preserve the peace of the world. Nor have treaties ever been preventives of war; war, indeed, is a violation and abrogation of treaties. But peace congresses, busy in their respective fields in all parts of the world, like that now in session in Chicago, are mediums through which the world's public opinion may become rigidly turned against war and its forces. Little by little, as the years and the decades pass, they may operate subtly in a steadily expanding circle. Ultimately as a result of their earnest labors there may be entrenched in the human mind all around the world such a hatred of war and such a revolt against the terrible burdens of armies and navies that more than a solitary nation will be lined up for peace.

It is that ultimate possibility which gives, then, weight to the National Peace Congress in Chicago and the other conferences of the sort held here and there from time to time. It is because of that ultimate possibility that they deserve the praise and support of all civilized men.

A Bit of Fatherly Advice.
In the matter of professional advancement and the making of name and fame, Mr. District Attorney William Travers Jerome has enjoyed exceptional advantages. There may be many District Attorneys in the country as able, even as scintillating and efficient as he is; but, possessed of talents of a shining order and placed in a greater center of population like New York, his career has been as a city upon a hill, easily seen from afar. He has indeed something of the Roosevelt genius for the impudence that yields a profit.

And, if Mr. Jerome cared to do so, he might proceed to moralize as follows: "I do read with annoyance what they say about me, and then I turn to the other pages and read with amazement what they say about other men; nay, about the situation in general. They rarely hit it. They contradict to-day what they printed yesterday, and they will doubtless contradict to-morrow what is printed to-day. There is neither concurrence of opinion nor consistency of statement. They write much as kittens play with a string, forgetting the pointers of the law and always attractive, carries the attention of such party adversaries as Governor Hughes, as well as that of the just and fair-minded among the public generally. He has in addition a considerable following all his own, which admires him hugely, believes in him, and looks with expectancy to his future. He may be Mayor. He may be Governor. He may be President. Stranger things have happened, and the District Attorney has but yet set upon the highways of preferment."

With characteristic bravery and lack of discretion, Mr. Jerome has been talking again. This time it is not the bench, but the press, which is the object of his homily. He scents a new pearl in the newspapers. Upon the occasion of a public dinner given the other evening in his honor by the Grand Jurors of the County of New York, he took a fall out of the Editors. Among other lively salutes, we find the following:

"Those who have had experience in public life are advising the younger men to keep out of it because there is no future in it. There is no future in it because we are governed and ruled by demagogic politicians. We are not permitted to do certain things because we allow the editors to sit in their sanctuaries and write on subjects of which they are ignorant and on which they are unable to give any fair and just criticism. No honest man objects to criticism, but we have come to be run, in measure, by the newspapers and for the newspapers. There is a great deal here. In our City Councils and in our State Legislatures many wise measures are defeated on account of the whip and the lash of the newspapers."

Truly may it be said that each heart babbles its own sorrows. In the foreground Mr. Jerome perpetrates at least two solecisms; he ascribes to the press a power that does not belong to it and shows himself blind to the value of newspaper chatter.

A rising man it is praise not disposed of which to be afraid. Next to identifying itself with some issue of pith and moment, and of mounting and riding this, ambition derives most profit from hostile criticism. If a twist of injustice be attached to so much the better. The public is quick to catch the note and to resent it. Penegry is generally ill done, where not over done. It makes not the impression of invective. "Why are these cruel things said about this young man?" the casual reader asks; and, if they be continued, his attention is invoked; presently he discovers merit and becomes a follower; whereas, the printed praise, if observed at all and not forgotten, gives rise to suspicion, and, if the after performance does not surpass the terms of the exploitation, there is a reaction against both.

Mr. Jerome's indictment of the press would not be liked by the newspapers of Chicago, or Milwaukee, or even Pittsburg. Applied to the newspapers of New York it is absurd. It presupposes constancy of thought, constancy of purpose, intellectual conviction and pre-eminence. Fluddistics! The District Attorney might have taken the exactly opposite tact with much greater truth and far better effect.

He might have said: "Gentlemen, I am made the target of a great deal of what I must consider unjust attack by the leading daily newspapers of this city. It is perhaps the nature of the press to be a mirror of public sentiment. In truth, as a guide of governments it can have little direct effect. That is shown by the fact that despite its labors in the past—strengthened by international peace congresses, the Hague peace movement and orations, and papers and statements in scattered points of the world—the nations continue year by year to increase their expenditures for armies and navies, enlarge their fortifications, adopt more and more powerful guns and build mightier and mightier ships.

At present, therefore, in view of conditions, it would seem as though the peace advocates might be discredited. But they should not and they appear not to be. The champions, constantly active, incessantly preaching upon the costliness of war and to war itself. An overwhelming opposition among the people cannot well be regarded as a negligible quantity. Whenever the population of a country is sternly bent on any given national policy it is not easy for a government to ignore it. In England right now we are witnessing

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And thus he might continue as we do; the daily newspaper is a power in the land. That is a fact. It reaches the public first with the news. That is an advantage. But, hard upon its heels come those who read it. They are made up of all sorts and conditions of men. Touching the remote, the unfamiliar, they are likely to accept the immediate story, and to fall in with the prevailing opinion in case there be a prevailing agreement among the narrators of the History of Yesterday; but as to matters right at home, relating directly to the vicinage, every mother's son of him is his own oracle. He does not only not need to be told what to think and how to do by Old Man Bennett, or Old Man Pulitzer, or Old Man Reid, but they take their proposed usurpation of his free will and familiar knowledge as intrusive; the more so since Mr. Reid lives in London, and Mr. Bennett in Paris, whilst Mr. Pulitzer lives God knows where, but not in New York. Even when all of them were at home and united upon a movement, or a candidate, New York has voted them down. Why should he be irritated, or frightened by the boys they send to mill? The press is powerless against an honest man. It is powerful only for truth in the abstract. The elder Carter Harrison, a man of extraordinary talents and merits, as Mr. Jerome is, used to sweep Chicago against the opposition of a united press.

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And, if Mr. Jerome cared to do so, he might proceed to moralize as follows: "I do read with annoyance what they say about me, and then I turn to the other pages and read with amazement what they say about other men; nay, about the situation in general. They rarely hit it. They contradict to-day what they printed yesterday, and they will doubtless contradict to-morrow what is printed to-day. There is neither concurrence of opinion nor consistency of statement. They write much as kittens play with a string, forgetting the pointers of the law and always attractive, carries the attention of such party adversaries as Governor Hughes, as well as that of the just and fair-minded among the public generally. He has in addition a considerable following all his own, which admires him hugely, believes in him, and looks with expectancy to his future. He may be Mayor. He may be Governor. He may be President. Stranger things have happened, and the District Attorney has but yet set upon the highways of preferment."

With characteristic bravery and lack of discretion, Mr. Jerome has been talking again. This time it is not the bench, but the press, which is the object of his homily. He scents a new pearl in the newspapers. Upon the occasion of a public dinner given the other evening in his honor by the Grand Jurors of the County of New York, he took a fall out of the Editors. Among other lively salutes, we find the following:

"Those who have had experience in public life are advising the younger men to keep out of it because there is no future in it. There is no future in it because we are governed and ruled by demagogic politicians. We are not permitted to do certain things because we allow the editors to sit in their sanctuaries and write on subjects of which they are ignorant and on which they are unable to give any fair and just criticism. No honest man objects to criticism, but we have come to be run, in measure, by the newspapers and for the newspapers. There is a great deal here. In our City Councils and in our State Legislatures many wise measures are defeated on account of the whip and the lash of the newspapers."

Truly may it be said that each heart babbles its own sorrows. In the foreground Mr. Jerome perpetrates at least two solecisms; he ascribes to the press a power that does not belong to it and shows himself blind to the value of newspaper chatter.

A rising man it is praise not disposed of which to be afraid. Next to identifying itself with some issue of pith and moment, and of mounting and riding this, ambition derives most profit from hostile criticism. If a twist of injustice be attached to so much the better. The public is quick to catch the note and to resent it. Penegry is generally ill done, where not over done. It makes not the impression of invective. "Why are these cruel things said about this young man?" the casual reader asks; and, if they be continued, his attention is invoked; presently he discovers merit and becomes a follower; whereas, the printed praise, if observed at all and not forgotten, gives rise to suspicion, and, if the after performance does not surpass the terms of the exploitation, there is a reaction against both.

Mr. Jerome's indictment of the press would not be liked by the newspapers of Chicago, or Milwaukee, or even Pittsburg. Applied to the newspapers of New York it is absurd. It presupposes constancy of thought, constancy of purpose, intellectual conviction and pre-eminence. Fluddistics! The District Attorney might have taken the exactly opposite tact with much greater truth and far better effect.

He might have said: "Gentlemen, I am made the target of a great deal of what I must consider unjust attack by the leading daily newspapers of this city. It is perhaps the nature of the press to be a mirror of public sentiment. In truth, as a guide of governments it can have little direct effect. That is shown by the fact that despite its labors in the past—strengthened by international peace congresses, the Hague peace movement and orations, and papers and statements in scattered points of the world—the nations continue year by year to increase their expenditures for armies and navies, enlarge their fortifications, adopt more and more powerful guns and build mightier and mightier ships.

At present, therefore, in view of conditions, it would seem as though the peace advocates might be discredited. But they should not and they appear not to be. The champions, constantly active, incessantly preaching upon the costliness of war and to war itself. An overwhelming opposition among the people cannot well be regarded as a negligible quantity. Whenever the population of a country is sternly bent on any given national policy it is not easy for a government to ignore it. In England right now we are witnessing

the spectacle of a population clamoring for a stronger army and a more formidable navy. The Government will yield to the clamor, too. Whether or not the agitation which developed the present state of mind in England

is the weighty thing. Even an antagonistic Government would find it hard to resist.

And thus he might continue as we do; the daily newspaper is a power in the land. That is a fact. It reaches the public first with the news. That is an advantage. But, hard upon its heels come those who read it. They are made up of all sorts and conditions of men. Touching the remote, the unfamiliar, they are likely to accept the immediate story, and to fall in with the prevailing opinion in case there be a prevailing agreement among the narrators of the History of Yesterday; but as to matters right at home, relating directly to the vicinage, every mother's son of him is his own oracle. He does not only not need to be told what to think and how to do by Old Man Bennett, or Old Man Pulitzer, or Old Man Reid, but they take their proposed usurpation of his free will and familiar knowledge as intrusive; the more so since Mr. Reid lives in London, and Mr. Bennett in Paris, whilst Mr. Pulitzer lives God knows where, but not in New York. Even when all of them were at home and united upon a movement, or a candidate, New York has voted them down. Why should he be irritated, or frightened by the boys they send to mill? The press is powerless against an honest man. It is powerful only for truth in the abstract. The elder Carter Harrison, a man of extraordinary talents and merits, as Mr. Jerome is, used to sweep Chicago against the opposition of a united press.

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COMMISSIONERS

To Act On Petition For Local Option Election Thursday.

WARD MEDALS FOR EFFICIENCY IN RIFLE PRACTICE

WRIGHT ELECTED TRUANT OFFICER OF FRANKLIN

PETIT JURY FOR MAY TERM.

A petition was filed yesterday afternoon by the temperance workers of Floyd county with the commissioners of that county, asking that a local option election be held. The matter of ordering an election was deferred until Thursday of this week, so that the commissioners may have an opportunity to look over the law and to permit other persons to inspect the law and ascertain if there are any irregularities.

The Hon. J. K. Dunn, one of the representatives of the temperance people, read sections of the local option law to sustain his position that the Board of Commissioners had no right to defer the election. He said that the petition had been filed and properly certified to by one or more signers and legal voters. He said that he would defer action until Thursday, but he wanted it understood that the petitioners deferring action until Thursday, was done without the consent of the temperance workers.

The original suggestion of ordering the election for Thursday was accepted. It will be ordered to be held between May 20 and June 5, as the law requires the election to be held in not less than twenty nor more than forty days after the order. The petition contains the names of 1,620 persons, fifty-five more than the 20 per cent. of votes cast at the last election.

Award Badges and Medals.

Badges and medals were awarded last night by the War Department to members of the National Guard at New Albany, for proficiency in rifle practice. Those who received prizes are Capt. John A. Lewis, Capt. John C. Coolman, Sergt. J. H. Dierking, Sergt. Chester Hoeder, Sergt. Dennis Jackson, Sergt. Herbert Gray, Corp. Walter W. Johnson, Corp. Jessie Waudell, Corp. David Swarns, Edward A. Lewis, Corp. John Lamb, Clarence Jones and Carl Perkins.

The range of 1,000 yards in the Franklin township hills, five miles southwest of New Albany, was used in the competition for this season's practice, and some good scores have already been made, and the competition will continue. In all, teams from the companies at New Albany, Jeffersonville, Madison and Martinsville, will be held on the New Albany range next month and will occupy three days.

Elected Truant Officer.

George Wright, of Franklin township, Floyd county, was elected county truant officer yesterday by the Board of Education of Floyd county. The election required eighty-four ballots. The candidates were George Wright, Frank Clegg, William Bradley and Charles Boley, Georgetown township; William Holloman, Laffayette township; Charles K. Keeler, Goshen township; and John Mudd, New Albany township. County Superintendent R. L. White acted as chairman of the meeting. The election was held in New Albany township, was secretary. Four votes were necessary to a choice. The County Superintendent, who presided, said that nothing doing no voice unless there should be a tie vote.

Selected As Jurors.

Judge W. R. Rutherford and Davis F. Bowman sat at the courthouse in New Albany yesterday morning and drew the jury for the May term of the Floyd County Court of Common Pleas. Monday, in New Albany, the names drawn were: William H. Morton, Wesley Hunt, Kaye Scott, William Seaman, James E. Jones, John E. Johnson, John Brown, Joseph Buch, William Riley, Adolph Moser, Media Sowle and W. C. Conner.

ITEMS OF INTEREST FROM NEW ALBANY.

—Mrs. William B. Hardy will entertain the Alpha Club next Thursday afternoon at her home on the Silver Hill.

—Mrs. Kepner, of St. Louis, formerly of this city, is visiting her sister, Mrs. Mary McChane, of the Silver Grove suburb.

—A neclele social will be given to women on Friday evening at the Hotel Ohio, Center street, by the Protestant Home Circle.

—The warriors' degree will be conferred Saturday night at the wigwam, Park and Market streets, by Oakdale Lodge.

—The steamer, Nellie Willett, arrived yesterday morning from the lower coast with a load of lumber for the factories of this city.

—Miss Rebecca J. Thompson and James G. Carroll were married last night by the Rev. Mr. J. C. Thompson, at the home of the bride on West Spring street.

—Frank Gonder left Saturday night for Hot Springs, Ark., where he will spend his vacation. He is the son of Mr. and Mrs. John Gonder, a hotel proprietor of that city.

—Mrs. Samuel M. Woodard is here from St. Louis to spend a few days with her mother, Mrs. M. A. Funderburg, East Market street, and other relatives.

—Misses Margaret Stone and Grace Sanders have returned to their homes in Sellersburg, after a visit with the family of the Rev. R. A. Kemp, Elgin avenue.

—Mrs. James Seabrook was stricken by paralysis yesterday morning at 11 o'clock, on Main, East Frontenac and Market streets, her entire left side being involved.

—Little Priestley, who has been appointed administrator of the estate of Charles H. Priestley, who was run down by a Monon engine at Salem several months ago and killed.

—Miss Frances McGinn, daughter of Mrs. John McGinn and niece of Mrs. George Shrader, Sr., died at her home, Eighteenth and Market streets, Louisville, Sunday afternoon.

—Mrs. Anna Evans and Miss Charlotte Turner have been elected delegates to the annual convention in Indianapolis by Ruth Landis, president of the State League. The convention will be held May 17.

—Charles Tighe and Mrs. Mayme Tighe, of Indianapolis, are here to attend the annual meeting of the Indiana State Nurses Association at New Orleans.

—Casar Rockenbach, of this city, son of Casar and Anna Rockenbach, of Evansville, this city, has been appointed soliciting freight agent for the Cotton Belt railroad, with headquarters at Louisville.

—Jack Pepper, of New Albany Lodge, and Chris Kiebler, of New Albany Lodge, left yesterday afternoon for Detroit to attend the annual convention of the American Reformed Association of Iron, Steel and Tin Workers.

—The Highland Country Club will give a social on Friday evening at the Hotel Hills-to-morrow night. Other events for the month are a musical Tuesday, May 11, and "A Trip to Holland," by Leo Wagner.

—James E. Crawford, of this city, who has been chairman of the State police Protective Committee, was selected to speak at the meeting of the association, held Saturday, in Evansville.

—Mr. and Mrs. Cornelius Bader have returned from their vacation in Albany, after visiting Mr. and Mrs. Henry Olesiager, Vincennes street. Mr. Bader was a delegate to the National Bollermerers Association, which held its annual meeting in Louisville last week.

—August Merkle, of this city, and Miss Muriel, of Evansville, were married at the home of the bride at that place last Thursday night. They will be at home at 604 East Main street, this city, for the next two weeks. They are agents for the Prudential Insurance Company.

—Hops Council No. 87, Knights of Pythias of Louisville, and the Knights of Columbus No. 166, ice to have an ice cream social Monday night, May 10, at Eagle Hall, 100 South Second street, and the fine programme has been prepared.

Kentucky Bureau of Revision and Research

512 Paul Jones Bldg., Louisville, Ky. Will furnish outlines for lectures, toasts, programmes, arguments, club papers, etc.

Makes a specialty of aiding in the preparation of reports where scientific data and research are required.

Will edit, revise, typewrite and market literary manuscript. We are in touch with the best markets for short stories, novels, dramatic productions, etc. If we sell them we only charge a reasonable commission.

We have access to complete reference libraries and will collect and furnish reliable data on any subject.

Let us help you become an author or a playwright.

Write us for references and terms.

which will comprise talent from Louisville and this city.

John C. Short, city clerk, has issued building permits as follows: Joseph Walbert, to erect a frame cottage on Elm street; John C. Short, to erect a house to cost \$300; to Katherine Gratz, for a room dwelling on Vincennes street; to Edward Chappell, on Main and Charlestown boulevard, to cost \$100.

The sisters of St. Mary's Academy, East Eighth and Elm streets, announce a piano recital by their pupil, Miss Mary Kraft, at the Joseph H. Hays, Friday night, May 7. Miss Kraft will be assisted by Miss Mary A. Gohmann in a violin recital. The program will be a semi-annual performance represented all classes, and there will be a general audience.

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—Albert Kenney and Edward Pratt, who have been playing at the Palace for many years, with headquarters in New York, are here to spend the month of May with relatives, and will be joined here after their vacation by Mr. McCahan and will go to St. Louis to open their summer home.

The dogue de Louvain of Louisville, against the city of New Albany to recover \$5,000 damages, which was transferred from the Floyd Circuit Court, was dismissed by the court of appeals from that tribunal to the Washington Circuit Court at Salem. This is a damage suit brought by the city of Louisville against the state of Kentucky for damages and account of injuries sustained by falling over an embankment on Charles street.

—City Controller Raymond B. Bell paid Mr. J. Lincoln, general manager of the telephone company, a check for \$18,500, representing a part of the indebtedness of the city to the water and gas companies. One of these amounts was \$12,500 for the United Gas and Electric Company, and the other for \$5,000 for the New Albany Water Company. A check for \$3,000 was issued to James E. Waudell, Corp. David Swarns, Edward A. Lewis, Raymond Lobach, Lamb, Clarence Jones and Carl Perkins.

The range of 1,000 yards in the Franklin township hills, five miles southwest of New Albany, was used in the competition for this season's practice, and some good scores have already been made, and the competition will continue. In all, teams from the companies at New Albany, Jeffersonville, Madison and Martinsville, will be held on the New Albany range next month and will occupy three days.

—St. Tamina day, the Red Men's memorial, will be observed at Fairview cemetery, and the services will be conducted for this season's practice, and some good scores have already been made, and the competition will continue. The board will take at the courthouse every day, except Sunday, until the completion of the work.

—Capt. Fortune said it was desired that the several townships in the county be visited by those of legal voters.

—M. Z. Stannard, who was associated with Capt. Fortune in the case, made a similar statement.

—H. J. Dilger, representing the petitioners, advanced the theory that all law required was the necessary number of votes to be cast.

—The trial of Frank Densford, who was accused of killing his wife, was adjourned to the June meeting of the board so that an investigation could be made to find out whether all the names of legal voters had been registered.

—The defense's witness, Capt. Fortune, said he had seen the petition for the first time on last Thursday, while the trial was still pending.

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Bills. At \$1.
Do preferred. 20
E. St. Louis and Suburban com. 27 28
Do preferred. 35 35
Gulf and Railroads com. 15 15
Do preferred. 18
Louisville and Jeffersonville com. 8
Louisville Traction com. 97 94
Do preferred. 114 114
Louisville and Eastern com. 114 114
Do preferred. 12 12
Do preferred. 12 12
Do preferred. 72 72
Nashville Ry. and Light com. 415 415
New Albany St. Ry. pref. 83 83
New Orleans Ry. and Light com. 15 15
Do preferred. 12 12
Norfolk Ry. and Light Co. 125 125
North Western Ry. and Light com. 109 109
Do preferred. 89 89
Portland Trac. and Light com. 65 65
Rochester Ry. and Light pref. 91 91
Rochester Railway and Light com. 109 109
Do preferred. 35 35
Seattle Electric com. 51 51
Springfield Ry. and Light. 84 83
St. Joseph L. & P. com. 17 17
Toledo Railways and Light. 12 12
Tracy and Louisville Ry. 125 125
Do preferred. 89 89
United Ry. Investments com. 91 91
Wash. Alex. & M. Vernon Ry. 45 45
West Penn Ry. com. 21 21
Wash. and Lake Ry. 73 73
Sales with interest.
Less than \$1,000 bond or ten shares stock.

On account of bad wires no New York bond rates were received.

The London Banking Corporation, as in credit \$100,000 or 2.77 per cent., in the value of its representative list of securities used in its monthly calculation of values. The aggregate value of U.S. securities on April 29 was \$1,094,632,000, compared with \$1,050,016,000 on March 29.

The report of the Secretary of Agriculture on the beet sugar industry shows that the production from 1907 to 1908, from 26,000 tons in 1896 to 425,000 tons in 1908.

There has been issued for conversion a total of \$91,287,000 of American Telephone convertible bonds, leaving \$85,713,000 still outstanding.

The bonds presented will convert into a total less than \$30,000,000 of new stock.

New companies incorporated in the Eastern States with an authorized capitalization of \$100,000,000 or more, and which represented a total of \$100,000,000, an increase of \$38,000,000 over April and \$26,000,000 as compared with April a year ago. To put it briefly, it is the largest amount for any one year since 1903, and the total number of incorporations involved \$14,700,000. Chapters taken out by other companies with an individual capital of \$100,000 or more, but under \$100,000, bring the aggregate up to 2181,425,000 against \$104,605,000 in March and \$100,000 in April last year.

The April sales in the common stocks of two utility companies, Reading Railroad, American Copper and the United States Steel Corporation, totaled \$7,981,195 shares or 6.6 per cent. of the 38,662,220 shares traded in on the New York Stock Exchange that day.

These sales compare with 1,400,000 shares, 4.2 per cent. of the 32,891,325 and 32.5 per cent. in January.

The total sales in all stocks traded in upon the New York Stock Exchange during April, 1909, were \$18,269,209 shares, which compares with 11,651,420 shares in April a year ago. The sales in March were 13,097,788 shares, trading at 1,250,000 shares, or 9.4 per cent. of the 38,662,220 shares traded in on April 1, 1908. Since January 1, the aggregate sales have been \$2,378,744 shares, as against 23,757,152 shares during the corresponding period of 1908. The bond sales for April total \$159,400, and those for March \$160,000, or 1.0 per cent. less sales in March. Total sales for February, \$150,700,000, and January, \$165,633,000. The total bond sales for the four months of 1909 since January 1 have been \$43,374,000, which compares with \$29,209,400 last year during the same period.

The Georgia Railroad Commission has announced the issue of \$1,000,000 in bonds to the Atlanta and Western Railway Company. The bonds have been sold and from the proceeds \$850,000 will be used for the purpose of paying off promissory notes, and the balance for extending and improving certain of the company's properties.

Earnings available for dividends of the General Electric Company for the fiscal year ended January 31, 1909, equal to 7.5 per cent. of the company's outstanding \$100,000 capital stock, as compared with 10.10 per cent. in the previous fiscal period.

Detroit United gross earnings for the third week of April were \$114,688, an increase of \$8,115, and from January 1 to date \$2,070,012, an increase of \$207,552.

Holiday Whirls, of the Third Avenue Avenue, New York, has already commenced on the increased earning power of the Third Avenue and Central, a good portion of which has been secured to the way-say-entrepreneurs. Now comes the Chicago Railways Company with a report that gross earnings in April showed an increase of about 15 per cent. over the corresponding month last year. Otherwise, the figures show a slight decline in the introduction of pay-as-you-enter cars, which have also brought larger earnings to the Chicago City Railway Company.

The Appellate division of the Supreme Court of New York has denied the application of Edward H. Harriman to have dismissed a suit brought by John D. Morgan, of St. Louis, to recover \$100,000, alleged to be due to Morgan's share of profits made by Harriman on the sale of the St. Joseph Railway, Light, Heat and Power Company, which Harriman had agreed to sell to Morgan. The suit was filed in the Supreme Court of New York, and the introduction of pay-as-you-enter cars, which have also brought larger earnings to the Chicago City Railway Company.

STOCK MARKET REVIEW.

New York, May 3.—Money on call steady at 1% per cent.; rating rule; closing bid 14%; offered at 2; time loans very flat and steady; 60 and 90 day 2 per cent.; six months 2%; 90 and 120 day 2.5 per cent.; 180 day 3%; 270 day 3.5 per cent.; 360 day 4%; 450 day 4.5%; 540 day 5%; 630 day 5.5%; 720 day 6%; 810 day 6.5%; 900 day 7%; 1,080 day 7.5%; 1,260 day 8%; 1,350 day 8.5%; 1,440 day 9%; 1,530 day 9.5%; 1,620 day 10%; 1,710 day 10.5%; 1,800 day 11%; 1,890 day 11.5%; 1,980 day 12%; 2,070 day 12.5%; 2,160 day 13%; 2,250 day 13.5%; 2,340 day 14%; 2,430 day 14.5%; 2,520 day 15%; 2,610 day 15.5%; 2,700 day 16%; 2,790 day 16.5%; 2,880 day 17%; 2,970 day 17.5%; 3,060 day 18%; 3,150 day 18.5%; 3,240 day 19%; 3,330 day 19.5%; 3,420 day 20%; 3,510 day 20.5%; 3,600 day 21%; 3,690 day 21.5%; 3,780 day 22%; 3,870 day 22.5%; 3,960 day 23%; 4,050 day 23.5%; 4,140 day 24%; 4,230 day 24.5%; 4,320 day 25%; 4,410 day 25.5%; 4,500 day 26%; 4,590 day 26.5%; 4,680 day 27%; 4,770 day 27.5%; 4,860 day 28%; 4,950 day 28.5%; 5,040 day 29%; 5,130 day 29.5%; 5,220 day 30%; 5,310 day 30.5%; 5,400 day 31%; 5,490 day 31.5%; 5,580 day 32%; 5,670 day 32.5%; 5,760 day 33%; 5,850 day 33.5%; 5,940 day 34%; 6,030 day 34.5%; 6,120 day 35%; 6,210 day 35.5%; 6,300 day 36%; 6,390 day 36.5%; 6,480 day 37%; 6,570 day 37.5%; 6,660 day 38%; 6,750 day 38.5%; 6,840 day 39%; 6,930 day 39.5%; 7,020 day 40%; 7,110 day 40.5%; 7,200 day 41%; 7,290 day 41.5%; 7,380 day 42%; 7,470 day 42.5%; 7,560 day 43%; 7,650 day 43.5%; 7,740 day 44%; 7,830 day 44.5%; 7,920 day 45%; 8,010 day 45.5%; 8,100 day 46%; 8,190 day 46.5%; 8,280 day 47%; 8,370 day 47.5%; 8,460 day 48%; 8,550 day 48.5%; 8,640 day 49%; 8,730 day 49.5%; 8,820 day 50%; 8,910 day 50.5%; 9,000 day 51%; 9,090 day 51.5%; 9,180 day 52%; 9,270 day 52.5%; 9,360 day 53%; 9,450 day 53.5%; 9,540 day 54%; 9,630 day 54.5%; 9,720 day 55%; 9,810 day 55.5%; 9,900 day 56%; 9,990 day 56.5%; 10,080 day 57%; 10,170 day 57.5%; 10,260 day 58%; 10,350 day 58.5%; 10,440 day 59%; 10,530 day 59.5%; 10,620 day 60%; 10,710 day 60.5%; 10,800 day 61%; 10,890 day 61.5%; 10,980 day 62%; 11,070 day 62.5%; 11,160 day 63%; 11,250 day 63.5%; 11,340 day 64%; 11,430 day 64.5%; 11,520 day 65%; 11,610 day 65.5%; 11,700 day 66%; 11,790 day 66.5%; 11,880 day 67%; 11,970 day 67.5%; 12,060 day 68%; 12,150 day 68.5%; 12,240 day 69%; 12,330 day 69.5%; 12,420 day 70%; 12,510 day 70.5%; 12,600 day 71%; 12,690 day 71.5%; 12,780 day 72%; 12,870 day 72.5%; 12,960 day 73%; 13,050 day 73.5%; 13,140 day 74%; 13,230 day 74.5%; 13,320 day 75%; 13,410 day 75.5%; 13,500 day 76%; 13,590 day 76.5%; 13,680 day 77%; 13,770 day 77.5%; 13,860 day 78%; 13,950 day 78.5%; 14,040 day 79%; 14,130 day 79.5%; 14,220 day 80%; 14,310 day 80.5%; 14,400 day 81%; 14,490 day 81.5%; 14,580 day 82%; 14,670 day 82.5%; 14,760 day 83%; 14,850 day 83.5%; 14,940 day 84%; 15,030 day 84.5%; 15,120 day 85%; 15,210 day 85.5%; 15,300 day 86%; 15,390 day 86.5%; 15,480 day 87%; 15,570 day 87.5%; 15,660 day 88%; 15,750 day 88.5%; 15,840 day 89%; 15,930 day 89.5%; 16,020 day 90%; 16,110 day 90.5%; 16,200 day 91%; 16,290 day 91.5%; 16,380 day 92%; 16,470 day 92.5%; 16,560 day 93%; 16,650 day 93.5%; 16,740 day 94%; 16,830 day 94.5%; 16,920 day 95%; 17,010 day 95.5%; 17,100 day 96%; 17,190 day 96.5%; 17,280 day 97%; 17,370 day 97.5%; 17,460 day 98%; 17,550 day 98.5%; 17,640 day 99%; 17,730 day 99.5%; 17,820 day 100%; 17,910 day 100.5%; 18,000 day 101%; 18,090 day 101.5%; 18,180 day 102%; 18,270 day 102.5%; 18,360 day 103%; 18,450 day 103.5%; 18,540 day 104%; 18,630 day 104.5%; 18,720 day 105%; 18,810 day 105.5%; 18,900 day 106%; 19,090 day 106.5%; 19,180 day 107%; 19,270 day 107.5%; 19,360 day 108%; 19,450 day 108.5%; 19,540 day 109%; 19,630 day 109.5%; 19,720 day 110%; 19,810 day 110.5%; 19,900 day 111%; 19,990 day 111.5%; 20,080 day 112%; 20,170 day 112.5%; 20,260 day 113%; 20,350 day 113.5%; 20,440 day 114%; 20,530 day 114.5%; 20,620 day 115%; 20,710 day 115.5%; 20,800 day 116%; 20,890 day 116.5%; 20,980 day 117%; 21,070 day 117.5%; 21,160 day 118%; 21,250 day 118.5%; 21,340 day 119%; 21,430 day 119.5%; 21,520 day 120%; 21,610 day 120.5%; 21,700 day 121%; 21,790 day 121.5%; 21,880 day 122%; 21,970 day 122.5%; 22,060 day 123%; 22,150 day 123.5%; 22,240 day 124%; 22,330 day 124.5%; 22,420 day 125%; 22,510 day 125.5%; 22,600 day 126%; 22,690 day 126.5%; 22,780 day 127%; 22,870 day 127.5%; 22,960 day 128%; 23,050 day 128.5%; 23,140 day 129%; 23,230 day 129.5%; 23,320 day 130%; 23,410 day 130.5%; 23,500 day 131%; 23,590 day 131.5%; 23,680 day 132%; 23,770 day 132.5%; 23,860 day 133%; 23,950 day 133.5%; 24,040 day 134%; 24,130 day 134.5%; 24,220 day 135%; 24,310 day 135.5%; 24,400 day 136%; 24,490 day 136.5%; 24,580 day 137%; 24,670 day 137.5%; 24,760 day 138%; 24,850 day 138.5%; 24,940 day 139%; 25,030 day 139.5%; 25,120 day 140%; 25,210 day 140.5%; 25,300 day 141%; 25,390 day 141.5%; 25,480 day 142%; 25,570 day 142.5%; 25,660 day 143%; 25,750 day 143.5%; 25,840 day 144%; 25,930 day 144.5%; 26,020 day 145%; 26,110 day 145.5%; 26,200 day 146%; 26,290 day 146.5%; 26,380 day 147%; 26,470 day 147.5%; 26,560 day 148%; 26,650 day 148.5%; 26,740 day 149%; 26,830 day 149.5%; 26,920 day 150%; 27,010 day 150.5%; 27,100 day 151%; 27,190 day 151.5%; 27,280 day 152%; 27,370 day 152.5%; 27,460 day 153%; 27,550 day 153.5%; 27,640 day 154%; 27,730 day 154.5%; 27,820 day 155%; 27,910 day 155.5%; 28,000 day 156%; 28,090 day 156.5%; 28,180 day 157%; 28,270 day 157.5%; 28,360 day 158%; 28,450 day 158.5%; 28,540 day 159%; 28,630 day 159.5%; 28,720 day 160%; 28,810 day 160.5%; 28,900 day 161%; 28,990 day 161.5%; 29,080 day 162%; 29,170 day 162.5%; 29,260 day 163%; 29,350 day 163.5%; 29,440 day 164%; 29,530 day 164.5%; 29,620 day 165%; 29,710 day 165.5%; 29,800 day 166%; 29,890 day 166.5%; 29,980 day 167%; 30,070 day 167.5%; 30,160 day 168%; 30,250 day 168.5%; 30,340 day 169%; 30,430 day 169.5%; 30,520 day 170%; 30,610 day 170.5%; 30,700 day 171%; 30,790 day 171.5%; 30,880 day 172%; 30,970 day 172.5%; 31,060 day 173%; 31,150 day 173.5%; 31,240 day 174%; 31,330 day 174.5%; 31,420 day 175%; 31,510 day 175.5%; 31,600 day 176%; 31,690 day 176.5%; 31,780 day 177%; 31,870 day 177.5%; 31,960 day 178%; 32,050 day 178.5%; 32,140 day 179%; 32,230 day 179.5%; 32,320 day 180%; 32,410 day 180.5%; 32,500 day 181%; 32,590 day 181.5%; 32,680 day 182%; 32,770 day 182.5%; 32,860 day 183%; 32,950 day 183.5%; 33,040 day 184%; 33,130 day 184.5%; 33,220 day 185%; 33,310 day 185.5%; 33,400 day 186%; 33,490 day 186.5%; 33,580 day 187%; 33,670 day 187.5%; 33,760 day 188%; 33,850 day 188.5%; 33,940 day 189%; 34,030 day 189.5%; 34,120 day 190%; 34,210 day 190.5%; 34,300 day 191%; 34,390 day 191.5%; 34,480 day 192%; 34,570 day 192.5%; 34,660 day 193%; 34,750 day 193.5%; 34,840 day 194%; 34,930 day 194.5%; 35,020 day 195%; 35,110 day 195.5%; 35,200 day 196%; 35,290 day 196.5%; 35,380 day 197%; 35,470 day 197.5%; 35,560 day 198%; 35,650 day 198.5%; 35,740 day 199%; 35,830 day 199.5%; 35,920 day 200%; 36,010 day



CONTEMPT RULE

Dismissed On Motion of Attorney For Plaintiff

STOLL, BRAND AND CHAMBERS WON'T HAVE TO ANSWER.

ELECTRIC PLANT BRINGS \$8,000 AT PUBLIC SALE.

THREE WILLS ARE PROBATED.

On motion of E. R. Attkisson, attorney for the National Ice Cream Company, which was granted an injunction against the city of Louisville last week, giving it the use of an alley that had been closed by the city after being condemned. Judge Miller yesterday again dismissed the contempt issued against John H. Brand and C. C. Stoll, of the Board of Public Works, and John Chambers, City Engineer. Judge Miller stated that it had been plain to him that the restraining order granted by him to the National Ice Cream Company had been violated.

Worstedts, Cheviots and Serges; 3-piece Suits and 2-piece Suits; styles such as "dandy" and patterns just as "gay" as you can want to go; and just as conservative as you can demand.

You LOST on the Derby come and put us in a "surprise" ELBEE and HART, SCHAFFNER & MARX Suits at \$25. Worstedts, Cheviots and Serges; 3-piece Suits and 2-piece Suits; styles such as "dandy" and patterns just as "gay" as you can want to go; and just as conservative as you can demand.

Lower prices and better quality Suits of course. But just ask to see "those \$25 Suits," for example.

Members R. M. A. R. R. Fares Refunded.

LEVY'S Third & Market, The Bright Spot In Louisville.

Courier-Journal.

ALIEN FRUIT TRADES UNION LABEL COUNCIL LOUISVILLE, KY.

TUESDAY.....MAY 4, 1909

DOG AND PONY SHOW DELIGHTS CHILDREN

GENTRY BROTHERS MAKE GOOD THEIR REPUTATION.

ANIMALS PERFORM WITH ALMOST HUMAN INTELLIGENCE.

OTHER PLEASING FEATURES.

That Gentry Bros. still hold their old-time title, that of one of the biggest and best dog and pony shows on earth, was demonstrated at the opening performance at Twenty-sixth street and Broadway when the company gave a pleasing exhibition before a large number of people, who had no doubt that they were going to see the show just one more time.

To the little boy in秦 pants the performance meant a realization of his ideal, while to the father, who had instilled into the heart of his son the fascination of the thing, it meant only a revival of the times past when he enjoyed his first "circus." It also meant for him the awful ordeal of whipping Johnny for insisting that they visit the very next performance.

Promptly at 2:30 o'clock the leader of the brass band descended from his high position and ordered his men to follow him to the center of the ring where they began to play music which measured the step of the entire company which formed the grand opening pageant.

The animals, a great number and variety of animals belonging to the company, including dogs, ponies, mules, monkeys, elephants, one goat, and many other animals.

When everyone present had tired of the grand spectacle the parade was turned into a dog and pony show and the audience passed out of the main tent. At this juncture the ringmaster, in all his grandeur, tuxedo shiny shirt front, and a broad bow tie, his hands commanding the horse of which he was astride to ascend the platform in the center of the ring, and the band played the preludes by the fifty trained ponies of the company.

The little one-act farce by Mr. and Mrs. Gentry and baby Sister was given and although it had been given many times, it had its usual fascination for both old and young. While one of the receipts of the act was done by canine alone, the exception was the monkey driver who took the family vehicle over.

The dogs, trained to walk in tumbling and tight-rope walking was good and is quite a valuable addition to the show. The monkeys, coming to fall and mother, a brother, a son and daughter. The women were dressed in beautiful costumes and the matron of the family at times, in her rôle as a circus woman, wore long gowns. The two children, Gerald and Geraldine, performed a few tricks on the tight rope which seemed remarkable.

They were shown the wonderful musical pony. By special request they gave a short Swedish folk song performance, and they will play "Dixie" to day in honor of their trip through the South.

The four elephants which were brought into the ring seemed sulky, to say the least, and it was the opinion of the ringmaster that they were the reason of the death of their life-long companion, Six who died Sunday. They have consented to the show.

The fire which broke out in the monkey hotel during the progress of the show was quickly extinguished by the vigilant members of the fire department upon the scene of action, but that crowd was disappointed at not seeing the chief of the scene. It is reported that the fire, of which the baby was burned to ashes before the firemen could save her, this afternoon, was caused by the monkey driver who was in the most harrowing scene of the usual program.

After two performances to-day at the ball park at Twenty-sixth street and Broadway the company will pack its tent and leave town.

\$3,000 In Duty.

Yesterday was a big day in point of duty collections in the office of the Supervisor of the Port. About \$3,000 was collected to-day, a lot of which was from importations, imported to the local markets from the manufacturers abroad. Most of the duty was on fine imported wines.

SPAGHETTI THE WONDER FOOD

All the butchers went out of business and the vegetable crop failed there would be no dearth of wholesome, appetizing, strengthening dishes in homes where Faust's Spaghetti is known.

Spaghetti can do what you can do with this veritable wonder food.

The making of simple little side dishes to those that form the important part of a hearty meal its usefulness is without limit. A different treat whenever you eat. Easy to prepare—easy to digest.

And how the family do enjoy it! How they thrive on it! Glad when it's on the table—sorry when it's not. And how economical—only five and ten cents a pound—a price that keeps the food expense down, while keeping the family health up.

Made from best American Durum Wheat. Nourishing as meat. Sold only in sealed packages, always sweet, clean, wholesome, and pure. A package and see how the family take to it. Write for free recipe booklet.

MAULL BROTHERS, ST. LOUIS, MO.

appellant; Pendleton, Bush & Bush, J. Smith Hayes for appellee.

Walkingian, Stahl, Tamm, Esq., Commissioners of the Court—Filed April 22, 1909. (Not to be reported.) Appeal from Jefferson Circuit Court, First Chancery Division. Opinion of the court by Chief Justice.

Horse Stealing—Hiring Horse—Question of Good Faith Instructions.—Where one under the terms of a lease has possession of it without intending to return it, and with the felonious intent to convert it to his own use, he is guilty of horse stealing within the meaning of the statute, but the appellant claims that it is not the intent of the horse to be hired by the act of the owner in having him so hired, but that it was given an instruction embodying that idea, and the failure to do so was error.

Henry C. Bressitt, Attorney General, Tom B. McGregor, Assistant Attorney General, for appellee.

Rissberger vs. City of Louisville.—Filed April 22, 1909. (Not to be reported.) Appeal from Jefferson Circuit Court, First Chancery Division. Opinion of the court by Judge Miller affirming.

Allen vs. First Mortgagors—Mortgage Not Conveyance of Title—Limitation.—(For full statement of facts, see 27 R. 588.)—Appeal from Jefferson Circuit Court, First Chancery Division. Opinion of the court by Judge Miller affirming.

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